

REMARKS

This is a full and timely response to the Official Action mailed January 5, 2004. Reexamination and reconsideration are respectfully requested in light of the amendments to the claims and the following remarks.

Priority

It is noted with appreciation that the initial Action has acknowledges receipt of the claim for priority and the certified document supporting that claim.

Specification

The specification as filed for this application has been reviewed and minor changes made to correct errors in syntax, among other things. No new matter is involved in making these changes.

Drawings

It is also noted with appreciation that the drawings as filed are approved by the Draftsperson

Response to pending rejections of claims 1 to 59

Claims 1 to 59 are rejected as allegedly being anticipated by the patent to Dulaney, USP No. 6,341,269, apparently having an actual filing date of December 30, 1999, prior to the Applicant's claimed priority date of May 19, 2000. The reasons supporting this rejection are stated in sections 5 to 12 of the Action. Claims 1, 5, 9, 14, 19, 24, 29, 33, 37, 42, 47, and 53 are in independent form, whether drawn to apparatus or methods. Apparently, the examiner considers claims 1, 5, 29 and 33 representative of a first aspect of the claimed subject matter, as treated in sections 6 to 9 of the Action. Instead, the remaining independent claims are addressed by the examiner in section 10 spanning pages 4 and 5 of the Action. In view of this response, that distinction is blurred because the Applicant's system is an online shopping system have features and characteristics not taught or suggested by Dulaney.

At the outset, it should be noted that Dulaney relates to a method and apparatus for optimizing inventory and merchandising shelf space utilization, i.e. an inventory management

and process at retail, see column 1, lines 10 to 15. Dulaney features “facing optimization” (see column 2, lines 12 to 21, and corresponding disclosure relating to the disclosed inventory optimization system. Serendipetously, some features of the Applicant’s claimed invention as filed and Dulaney may have been considered to be closely parallel, but it is recognized that the sales referred to in Dulaney have to do with optimization of inventory, not to an online shopping system. Accordingly, each of the claims of the subject application are amended, at a minimum, to recite an online shopping system item combination presenting apparatus or method. For at least this reason, each of the pending claims distinguishes from Dulaney.

In addition, in sharp contrast, the Applicant’s invention features a capability for an interactive user to arrange items of only shopping in the display and determine the item. Accordingly, the pending claims are amended in various ways to limit the claims to online shopping (by amendment to the preamble of each pending claim) to distinguish over Dulaney, and to variously mention that “a supplier terminal device” in certain claims may be a source of the items. Mainly, the Applicant’s invention relates to an online shopping system that permits displaying in a display the combination of items and confirming the item a user wants to buy.

Certain of the current claims are thus also limited to note that the item is provided by a supplier terminal device, depicted at reference numeral 4 and supplied to a network 5 that is accessed by a user through a user network device. See Fig. 3, generally.

Certain others of the claims mention or refer to either the calculating step, or the displaying step, as including item selling information relating to the displayed item combination, to better affiliate the body of the claims with its preamble and to emphasize the shopping network affiliation of the claims.

Finally, claim 1 specifically also notes, for example, that the displaying feature for the selling information corresponds to the supplier terminal device. Thus, the accumulating, searching, and calculating steps thus relate to items provided from the supplier terminal devices. When arranged according to a preference of a user, the items displayed include selling formation corresponding to the item information (supplied from the supplier terminal devices) wherein the terminal device accesses the supplier terminal devices supplying the item information.

Claim 53 was not considered to require additional amendments beyond the recitation in the preamble at the very least because the note of a charge was present in the claim prior to amendment ("highest registration charge").

While the foregoing arguments are couched mainly with reference to the pending independent claims, the associated claims respectively dependent on those claims contain information that should be specifically and individually considered, notwithstanding an absence of specific arguments directed to specified depending claims.

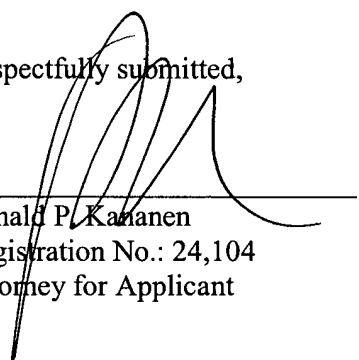
Conclusion

All of the pending claims of varying scope are specifically drawn to an online shopping item combination presenting method and apparatus that distinguish over Dulaney.

If, however, the examiner has any other matters that would improve this application for allowance, he is invited to telephone the undersigned for consideration of his proposals to place this application in condition for allowance.

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Respectfully submitted,

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